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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,892	06/14/2001	Stephen C. Glinski	Brown 20-11	5736
2292	7590	08/03/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			MCFADDEN, SUSAN IRIS	
			ART UNIT	PAPER NUMBER
			2655	7
DATE MAILED: 08/03/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/879,892	GLINSKI ET AL.
	Examiner	Art Unit
	Susan McFadden	2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 June 2004.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16,22-37 and 52-67 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-16,22-37 and 52-67 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) 17-22 are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 14 June 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### **RESTRICTION**

1. Claims 17-22 are restricted as related to Group II in 704, 231. Since this group was not elected. The rejections below are for Group 1.

#### ***Claim Objections***

2. Claims 1-16,23-37, and 52-67 are objected to because of the following informalities: It is unclear what cohort and language mean. Are these models or probability? How and why are they generated? Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-16,23-37, and 52-67 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In regard to claims 1,23, and 52, what are cohorts and where do they come from? It is unclear what a merged grammar is. It is unclear what function generating a merged grammar provides. The specification discusses recognizing different words to generate alternative web sites and databases, yet these features are never mentioned in the claims.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1,3-7,10,11,15,16,23,25-29,32,36,52,54-56,59,63, and 65-67 are rejected under 35 U.S.C. 102(e) as being anticipated by Bennett et al. (6,665,640).

In regard to claims 1, 23, and 52, Bennett et al. show a system, programmed medium, and method for enabling a speech-based Internet search comprising: generating a number of acoustic speech vectors (claimed cohort generator), generating a language (natural language), generating a merged grammar from the speech vectors and language (Abstract).

In regard to claims 3,6,7,10,25,28,29, and 54, Bennett et al. show a system and method wherein the language may comprise a finite state language which includes a phoneme or word grammar (col. 13, HMM, col. 15, In 19-30).

In regard to claims 4,26, and 55, Bennett et al. show a system and method wherein the language may comprise a context free language (col. 11, tokens).

In regard to claims 5,27 and 56, Bennett et al. show a system and method wherein the language may comprise a context sensitive or specific language (col. 11, In 32-36).

In regard to claims 11,15,32,36,59, and 63, Bennett et al. show a system and method further comprises generating information from the spoken word which can include phonemes (Abstract, text corresponding to a users query, col. 15, In 20-30).

In regard to claims 65-67, Bennett et al. show that the medium can include any of the following: a magnetic storage medium, CD, or digital storage device (col. 39, ln 10).

7. Claims 1,11,15,16,23,37,52, and 64 are rejected under 35 U.S.C. 102(e) as being anticipated by Woods et al. (6,510,417).

In regard to claims 1, 23, and 52, Woods et al. show a system, programmed medium, and method for enabling a speech-based Internet search comprising: generating a number of existants (col. 13, association relationships, claimed cohort generator), generating a language (lexical table, col. 14), generating an updated fusion model (claimed merged grammar from the existants and language, col. 11, Figs. 25-27).

In regard to claims 11,15, and Woods et al. show a system and method further comprises generating information from the spoken word that can include phonemes (Abstract, text corresponding to a users query).

In regard to claims 16,37, and 64, Woods et al. show a system and method further comprises generating information that includes a web site address (col. 32).

#### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 2,8,9,12-14,24,30-31,33-35,53,57,58, and 60-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett et al. (cited above) in view of Thelen et al. (6,430,551).

In regard to claims 2,24, and 53, Bennett et al. show the system and method discussed above. They do not specifically say a N-gram language is used. Thelen et al show a vocabulary/language model that includes an n-gram language model (col. 2, ln 64-67). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to combine these references because they provide a system that creates a vocabulary and/or language model which allows improved or faster recognition (col. 3, ln 24-26).

In regard to claims 8-9,30-31, and 57-58, Bennett et al. and Thelen show a system and method discussed above. They do not specifically show that the repetitive cohorts can be deleted or that cohorts with low traffic flow are eliminated. The Examiner takes Official Notice that one of ordinary skill in the art would know that cohorts could be managed as desired by a designer. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add this feature because it provides the system with more flexibility.

In regard to claims 12-14,33-35, and 60-62, Bennett et al. and Thelen show a system and method discussed above. They do not specifically show that the merged grammar further comprises synonyms, conjugates, or part of speech identifiers. The Examiner takes Official Notice that one of ordinary skill in the art would know that speech grammars could be broken into these parts. Therefore, it would be obvious to

one of ordinary skill in the art at the time of the invention to add this feature because it provides the system with more flexibility.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan McFadden whose telephone number is 703-308-6693. The examiner can normally be reached on Monday-Friday, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Susan McFadden  
Primary Examiner  
Art Unit 2655

July 28, 2004